



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Sevier River Resource Area

150 East 900 North

Richfield, Utah 84701



IN REPLY REFER TO:

3809

(U-056)

UTU-71617

January 26, 1994

CERTIFIED MAIL P 760 053 356
Return Receipt Requested

Mr. Lionel Koon
Ecology Mining Company
6985 Union Park Avenue, Suite 545
Midvale, Utah 84047

Dear Mr. Koon:

A Plan of Operations was filed on behalf of Ecology Mining Company by F. Neil Smith, Agent, for the Deer Trail Project with the Salt Lake District, Bureau of Land Management (BLM) on January 19, 1994. This plan has been forwarded from that BLM office to Sevier River Resource Area, since the public lands which are encompassed in this plan are administered by this BLM Resource Area office. The plan was received by the Authorized Officer on January 21, 1994.

This Plan of Operations has been assigned Serial Number UTU-71617, for case file reference. Please refer to this number in any correspondence regarding this plan.

The submitted Plan of Operations does not specifically address the location of all the mining related surface disturbances, and operations may encompass surface and mineral estates that are administered by two federal agencies and the State of Utah. From the submitted plan, the proposed mining related activities may be proposed on lands administered by the BLM and the U. S. Forest Service. Activities conducted on patented ground are regulated by the Division of Oil, Gas, and Mining (DOGM), State of Utah.

The submitted Plan of Operations has been reviewed by BLM staff, and additional information is required before the plan will be processed for approval by the Authorized Officer of the BLM. The proposed operations, except for access, appear to be confined to patented and Forest Service lands, however, this interpretation is not clear from the information submitted by the proposed operator.

For this office to process this Plan of Operations, the following information is required:

- 1) Unpatented mining claims: the name(s) and Utah mining claim serial number(s) for the unpatented mining claims on which surface disturbance is likely to occur. Also, the name of the claimant and operator, if different, is required by federal regulation.
- 2) Access: the plan addresses that access will be obtained by traveling Highway 89 to Cottonwood Canyon County Road to pre-existing Forest Service Road #152. The access route should be shown on the enclosed copies of USGS topographic maps by appropriate use of arrows that are clearly legible. From Highway 89, depending on the access route, to the Forest Service boundary, the proposed access may cross public land administered by BLM. The plan must address specifications for any access road on BLM land, including:

- a) location and width of access and haul roads
- b) surfacing materials and maintenance
- c) location and design of culverts, diversion ditches, water bars, and other necessary improvements
- d) predicted frequency of travel and duration and periods of mining related travel

If no unpatented mining claims are involved in the proposed operations, and any roads on BLM land need improvement or construction, then a right-of-way will be required for authorized use of the access.

- 3) The plan addresses that exploration, underground mining, and open pit mine development will occur during the mine life. The location of these activities is not clearly delineated and explained in the submitted plan. The following must be addressed:

- a) Provide specific locations of proposed exploratory drill holes or other exploratory workings. The locations must be described in sufficient detail to locate these disturbances on the ground, and an appropriate scale map should be provided to show the location. Include a description of dimensions of surface workings and drill pads to be constructed, access routes that will be used, improved or newly constructed, measures to stabilize the surface if adits or tunnels will be driven, and measures to prevent contamination of surface and subsurface water and to maintain air quality.
- b) The plan addresses that underground mining will be conducted. Will this mining only be under patented surface and mineral estate? Will underground mining include unpatented mining claims? If so, please address the specific unpatented mining claims that will be involved and address measures to control subsidence and mine drainage.
- c) What is the location of the proposed surface mine? What unpatented mining claims will be encompassed in the mine?
- d) The plan does not address sufficient details to approve a surface or open pit mine. If the mine is to be developed on BLM lands, then a complete description of mine development will be required before BLM can evaluate the proposal. Such description would include mining methods, pit design, milling and processing methods, water and air quality measures, and other design features related to surface mining development. Necessary engineering drawings for the proposed mine are required before the proposed surface disturbance will be approved by the Authorized Officer.
- e) The plan should address predicted mine life based on blocked-out reserves, duration of the project, and sequencing of operations. Supporting data may be required and will be treated as proprietary as requested by the operator and allowed by federal regulations.

- 4) The Plan of Operations implies that all buildings, fuel tanks, and other storage of chemicals and materials (such as spent oil, lubricants, etc.) will be on patented land. However, this use must be clarified in writing by the operator that such storage will be limited to non-federal lands. If buildings, tanks, or other storage sites are proposed on BLM administered lands, then these structures must be specifically addressed by discussing the purpose, design, location, and duration of use of each structure or facility.

Disposal of trash and other solid wastes, including human waste, shall be addressed in the plan. Appropriate county permits will be required.

- 5) Storage of any explosive materials must be in conformance with the Bureau of Alcohol, Tobacco, and Firearms (ATF). If necessary, the operator must have appropriate ATF permits for the interstate transport or use of explosive materials.
- 6) No closure of any road on BLM administered land will be granted without written justification and authorization from the Authorized Officer.
- 7) The plan addresses that a pipeline for water will be constructed across federal lands. The location, design, and specifications of such pipeline must be included in the plan. Appropriate permits and water rights must be obtained from the State of Utah. If a water well is drilled on BLM administered lands, then the location, design, and specifications must be addressed in the plan.
- 8) Reclamation measures and practices must be addressed more completely by discussing time tables for reclaiming disturbed areas and methods of reclamation. Reclamation procedures for one type of disturbance may not apply to all types of disturbances. For example, tailings piles will require reduction of slopes, whereas roads may require restoration of cut slopes before ripping and reseeding.
- 9) The larger scale maps as submitted in the plan are not "tied" or referenced to smaller scale maps in the plan. All maps shall be keyed to one another so that in reading maps with different scales, each map is "tied" to an overall plan.
- 10) All locations for drill holes, facilities, workings, etc. shall be described by legal description and indicated on appropriate scale maps in order that the disturbance may be located on the ground.

Again, from the submitted Plan of Operations, the only surface disturbance that is proposed on BLM administered lands appears to be related to access from Highway 89. However, if the proposed operations involve drill holes, pad construction, access construction or improvement, underground or surface mine workings, milling and processing methods, disposal of solid wastes, stockpiling of ore and other rock materials, or buildings and facilities on federal lands, then the Authorized Officer must accept or approve any such surface disturbance.

Surface disturbances on public, federal lands are regulated by the BLM under 43 Code of Federal Regulations 3809, and a copy is enclosed for your perusal. As outlined above, if mining related disturbances will be created by your proposed operations on public lands, then those operations must be addressed in more detail. Since additional information is requested for review of the proposed operations, no authorization is granted by the Authorized Officer for the Plan of Operation as submitted to the BLM. The above additional information must be submitted and approved or accepted by the Authorized Officer, prior to the conduct of any surface disturbing activities on BLM administered lands.

Unless written notification is made to the Authorized Officer, at least fifteen (15) days prior to any activity that will disturb less than five (5) acres or less in any given calendar year or approval is granted for operations that exceed five (5) acres, then no mining related activity may occur at this time.

Your best interest will be served by developing one comprehensive Plan of Operations that describes the proposed mining related activities for the project as a whole. Under a Memorandum of Understanding among the Division of Oil, Gas and Mining, the Forest Service and the BLM, the three agencies can

coordinate the review and approval process, and a comprehensive plan would facilitate that coordination. Your best interest may also be served by gaining approval for only for those operations that are reasonable based on the geologic and engineering data now available.

An on-site, pre-authorization field examination of the site for the proposed operations will be necessary before any approval or acceptance can be granted by the Authorized Officer. This field inspection should be conducted in conjunction with the DOGM, Forest Service, and BLM staff.

If you have any questions, please contact Michael Jackson at (801) 896-8221.

Sincerely,

for 
Dave Henderson
Area Manager

Enclosure: Topographic map
Regulations, 43 CFR 3809

cc: DOGM
DWQ
District Ranger, Beaver Ranger District, Fishlake National Forest